

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Plaintiff,

Criminal 01-246 (1) (RHK/JSM)

vs.

ORDER

Basim Omar Sabri,

Defendant.

Defendant, scheduled to begin his 33-month prison term on June 30, 2005, has moved to extend his voluntary surrender date to July 21, 2005 for medical reasons described in the Motion. The United States opposes the Motion.

On May 26, 2005, Defendant personally wrote the undersigned raising several medical issues (the excision of a “mass” on his lower leg, with biopsy results not then available; a developing hemorrhoid with possible surgery; a plantar fasciitis on his foot; a scheduled stress test to measure his cardiovascular function and a “regular” check-up) and asked for a three-week extension of his surrender date. His letter was forwarded on May 26th to his counsel and the United States Attorney with the notation that “Because Mr. Sabri is represented by counsel, I do not intend to respond to his request unless counsel files a formal motion.” Such Motion was not filed until June 24th and received by the undersigned on June 26th.

The Motion is supported by two hand-written notes of medical providers. Each is

dated June 24, 2005, and recommends further tests and evaluation. The Court's review of these submissions shows no life-threatening or emergency type medical issues. From the Court's experience, Defendant's medical condition can be adequately evaluated and addressed by medical personnel with the Bureau of Prisons or by medical personnel specially retained by the Bureau.

Accordingly, and upon all the files, records and proceedings herein, **IT IS**

ORDERED:

1. Defendant's Motion for Extension of Voluntary Surrender Date (Doc. No. 136) is **DENIED**; and

2. Defendant shall surrender to the United States Marshall at the United States Courthouse, Minneapolis, Minnesota, at 10:00 a.m. on Thursday, June 30, 2005.

Dated: June 28, 2005

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge